

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the preliminary hearing record and considering the briefs of the parties, the Appeals Board finds as follows:

On the date of claimant's alleged October 26, 1998, accident, claimant was employed by respondent as a kennel worker. She was responsible for the care of the animals which included cleaning up after them.

Claimant had worked on Sunday, October 25, 1998, but testified she thought she was not scheduled to work on either October 26 or October 27, 1998. She thought she and a fellow employee had both those days off in order to travel to Oklahoma. Claimant did not, however, make the trip to Oklahoma because she found out her friend did not have car insurance.

Although claimant thought she was not scheduled to work on October 26, 1998, she did visit respondent's main office on that day with her brother for the purpose of her brother filling out an application for employment. When claimant arrived, her supervisor, assistant manager Carolyn Sue Vickers, notified claimant she was scheduled to work that day. Ms. Vickers told claimant she had tried to locate her that morning by telephoning her mother. At that time, claimant decided she needed to check the work schedule posted on the bulletin board in the break room. As claimant was walking down the hallway to the break room, she slipped on some water on the floor. Her brother was right behind her and caught her before she fell to the floor.

Claimant did not immediately notice any pain and discomfort and therefore did not notify her supervisor that she had slipped. But the next day she had pain in her lower back and right hip. Because of the pain, she was unable to work and telephoned the respondent, leaving a message on the answering machine that she had slipped at work the day before and she was not able to work because of her pain and discomfort.

The Administrative Law Judge found claimant's injury was related to her work because the checking of the work schedule was a requirement of the employment. The Appeals Board agrees and finds that the Administrative Law Judge's preliminary hearing Order should be affirmed.

Claimant testified she had to check the work schedule posted in the break room to know when she was scheduled to work. After her supervisor, Ms. Vickers, notified claimant she had been scheduled to work on October 26, 1998, claimant testifies she then went to look at the schedule to verify she was scheduled to work. The Appeals Board finds, although claimant did not go to work intending to perform any tasks associated with her employment on October 26, 1998, she did walk to the break room to check the posted work schedule because of the communication claimant had with her supervisor. Claimant was injured on her way to the break room when she slipped on the hallway floor. The Appeals Board concludes the checking of the work schedule was a normal and common

incident of claimant's work and the water on the hallway floor that resulted in claimant's injury was a risk causally connected to her employment.<sup>1</sup>

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that Administrative Law Judge Jon L. Frobish's preliminary hearing Order dated April 15, 1999, should be, and is hereby, affirmed in all respects.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of May 1999.

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BOARD MEMBER

c: Randy S. Stalcup, Wichita, KS  
Kendall R. Cunningham, Wichita, KS  
Jon L. Frobish, Administrative Law Judge  
Philip S. Harness, Director

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<sup>1</sup>See Brandon v. Lozier-Broderick & Gordon, 160 Kan. 506, 509, 163 P.2d 384 (1945).